

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HOMEVESTORS OF AMERICA, INC.,

Plaintiff,

v.

WARNER BROS. DISCOVERY, INC.,

Defendant.

Civil Action No. 22-1583-RGA

ORDER AFTER PRETRIAL CONFERENCE

Now, this 15<sup>th</sup> day of August, 2025, after a pretrial conference, and upon consideration of the proposed pretrial order (D.I. 291) and the discussion at the pretrial conference, IT IS HEREBY ORDERED that:

1. The Proposed Pretrial Order (D.I. 291) is **ADOPTED** as modified by any rulings at the pretrial conference.
2. A bench trial will begin on Monday, August 25, 2025, at 9:30 a.m. Each side should be prepared to present its case until 5:00 p.m. of each trial day, although the end of the trial day may, in the discretion of the Court, be earlier than 5:00 p.m.
3. The trial is timed. Each side is allowed 9 hours for its opening statement and its direct and cross-examination of witnesses. Time during the trial day that does not neatly fit into one of those categories will be attributed to one side or the other as the Court thinks most appropriate. Closing argument will be held at 2:00 p.m. on Thursday, August 28, 2025. The amount of time allowed for closing argument is not expected to exceed 45 minutes per side and may be less.

4. Trial counsel are to be present and ready to proceed at 9:00 a.m. each and every day of trial. **COUNSEL SHOULD UNDERSTAND THAT THERE MAY BE LONG LINES (PARTICULARLY WHEN A JURY IS BEING SELECTED) TO ENTER THE COURTHOUSE AND SHOULD PLAN ACCORDINGLY.** There will be up to an hour for lunch and at least one break in both the morning and the afternoon.

5. The Court ruled on the pending motions in limine as follows. P's MIL #1 (D.I. 283) is GRANTED. P's MIL #2 (D.I. 285) is DISMISSED without prejudice to Plaintiff making objections to specific questions at trial. D's MIL #1 (D.I. 287) is DENIED, with the understanding that Plaintiff's family of marks is limited to the two asserted "Ugliest House" marks. D's MIL #3 (D.I. 289) is GRANTED in part and DENIED in part without prejudice to Defendant objecting to specific questions at trial and renewing its objection to the "vendor email." The Court stated its reasoning for these rulings at the pretrial conference.

6. The parties are directed to file the CVs of their expert witnesses no later than the COB on August 24, 2025.

7. Any trial logistics should be coordinated through the Courtroom Deputy.

8. The parties should discuss with each other page limits and a schedule for proposed post-trial findings of fact and briefing.

  
United States District Judge